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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,403	05/16/2001	John K. Collings III	M004.P001U1	2462

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EXAMINER
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VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/858,403

Applicant(s)

COLLINGS, JOHN K.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 2-26 are pending. Claims 1,27-65 are canceled.

***Claim Rejections - 35 USC § 101***

2. The disclosed invention is inoperative and therefore lacks utility. (i.e.: computer readable medium).
3. Claims 2-26 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a computer system or computer readable medium asserted utility or a well established utility.

Claims 2-26 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a computer system or computer readable medium asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 112***

4. Claim 6 is amended as depend on claim 1 which has been canceled. Correction is required. Examiner assumed claim 6 as independent claim.
5. Claims 2-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention (i.e.: there is no client machine or server and computer readable medium to handle the event code).
6. Claims 2-26 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Hardware or client/server/router machine is critical or

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essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

(i.e.: In the specification, page 8 lines 1-11, describes the power of pump station failure and an event code is sent to a first technician, if the pump not starting an second event code is sent to the second technician. This is the monitoring a plurality of sequent events by categories and the event codes are different for each type of alarm/alert (emphasize). However, page 8 lines 12-page 9 line 15, the backup function was described when the first event code would be sent to the first technician, if not response then the even code should be sent to the second technician second technician. In this case, the event code is the same. Therefore, claim 6 (e) discloses a second event code (i.e.: the pump not starting) is sent to the second technician was not appropriate because it is not a backup function as described in specification page 8-9. It was obvious the second event code is different to the first one. Correction is required.

7. Claims 2-26 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the event code, does not reasonably provide enablement for transmission medium in claim language. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, the event code and transmission medium, the invention commensurate in scope with these claims

8. Claims 2-26 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

9. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: backup response).

10. Claims 2-26 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 6 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed (i.e.: an event code and the responses). In that paper, applicant has stated displayed on computer screen, a local reporting device, central event notification center, and this statement indicates that the invention is different from what is defined in the claim(s) because the event code could be created on any environment without mention to any computer readable medium. It is unclear whether the claims are in the technologies arts.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-26 are rejected under 35 U.S.C. § 103 as being unpatentable over Groath [6,571,285 B1] in view of Perholtz [5,566,339].

12. As per claim 6, Groath discloses a method comprising the steps of:

a. transmitting to a first individual, via a not-automatically receipt confirmed transmission medium (i.e.: pager, wireless, Radio) [Groath, wireless, col 1 lines 30-40; radio button, col 16 lines 6-17; pager, col 120 line 1], a first data packet that includes a first event code, the first event code corresponding to a first event [Groath, an event code, col 120 lines 1-14];

b. upon receiving a response communication from the first individual, requesting that the first individual respond with the first event codes [Groath, response with an event code, col 7 lines 20-52; col 12 lines 38-48];

c. if the first individual responds by transmitting the first event codes then identifying the event from the first event codes [Groath, response service, col 118 lines 11-col 119 line 63];

d. transmitting instructions relating to the event to the first individuals [Groath, utilizes FTP to run other scripts, col 15 lines 60-67];

h. if the step of transmitting instructions relating to the first event to the first individual has already been completed, then transmitting to the second individual an indication that the second individual is not required to respond to the first event (i.e.: a backup response, specification page 8 line 13-page 9 line 15) [Groath, a notification session is completed, a historical record is made and accessible to authorized person, col 8 lines 13-18; an individual from the project or event should be identified to received

backup completion notices. Thus this individual or second individual is not required to response the backup process, col 173 lines 60-67]

However Groath does not explicitly detail e. transmitting to a second individual, via a not-automatically receipt confirmed transmission medium, a second data packet that includes a second event code, the second event code corresponding to the first event;

f. upon receiving a response communication from the second individual, requesting that the second individual respond with the second event code;

g. identifying the first event and the second individual from the second event code;

In the same endeavor, Perholtz discloses an alert system warning to one or more designated persons a plurality of events [Perholtz, abstract] wherein a alert code is deliver to a pager [Perholtz, col 7 lines 36-56, including Workstation Failure alert, Total Power failure alert, Smoke/Loud Sound alerts, col 37 lines 27-47, as a first event and second event; the persons schedule to be notified of the alert, col 51 lines 36-57, a first or second individual as design choice].

Therefore it would have been obvious to an ordinary skill in the art at the time of the invention was made to incorporate the plurality of event code and the persons schedule to be notified of the alert as taught by Perholtz into the Groath's apparatus in order to utilize event notification process. Doing so would provide a backup and warranty process to response to the event/alert notification on the network environment.

13. As per claim 2, Groath-Perholtz disclose identifying the first individual from the first event code [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].

14. As per claim 3, Groath-Perholtz disclose identifying the first individual from a caller identification data packet received from a telephone [Perholtz, a workstation monitors the progress of telephone calls placed by the unit, col 29 lines 7-19]

15. As per claim 4 Groath-Perholtz disclose the first event comprises all alarm at a selected location [Perholtz, Workstation Failure alert, col 37 lines 27-47].

16. As per claim 5, Groath-Perholtz disclose maintaining a record of the telephone call received from the first individual [Perholtz, the applicable recorded voice message, abstract].

17. As per claim 7, Groath-Perholtz disclose the instructions include directions to a location of the first event [Groath, network element geographic location data, network element event data, col 35 lines 39-52].

18. As per claim 8, Groath-Perholtz disclose selecting the first individual from a plurality of individuals based upon a pre-selected set of criteria [Groath, predetermined criteria, col 2 lines 7-24; col 110 lines 30-35; col 118 lines 1-10].



19. As per claim 9, Groath-Perholtz disclose the pre-selected set of criteria include at least one of the following:

a. who of the plurality of individuals is currently on duty; b. who of the plurality of individuals is closest to a location of the first event; c. who of the plurality of individuals is currently not assigned to another event; and d. who of the plurality of individuals is most capable of responding to the first event as inherent features of the persons schedule to be notified of the alert [Perholtz, col 51 lines 36-57].

20. As per claim 10, Groath-Perholtz disclose transmitting to a local facility an indication that the first event has occurred as inherent feature of a mobile switching center [Perholtz, a telephone switch, col 58 lines 37-58].

21. As per claim 11, Groath-Perholtz disclose displaying information relating to the first event on a site accessible to a user via a global computer network [Groath, Internet, global information, col 8 lines 42-65].

22. As per claim 12, Groath-Perholtz disclose the information includes a graphical display of a location of the first event [Groath, the graph may displayed via a browser, col 65 lines 49-52].

23. As per claim 13, Groath-Perholtz disclose the information includes a graphical display of a nature of the first event [Groath, the graph may displayed via a browser, col 65 lines 49-52].

24. As per claim 14, Groath-Perholtz disclose the information includes a graphical display of a current location of the first individual [Groath, the graph may displayed via a browser, col 65 lines 49-52].

25. As per claim 15, Groath-Perholtz disclose verifying that the first individual has responded to the first event by reading a personal identification of the first individual [Groath, User ID, col 73 lines 35-40].

26. As per claim 16, Groath-Perholtz disclose reading a personal identification apparatus at a location of the first event [Groath, User ID, col 73 lines 35-40].

27. As per claim 17, Groath-Perholtz disclose the verifying comprises the step of reading biometric data at a location of the first event as inherent feature of database design [Groath, analyze and display the data as reports, col 35 lines 35-40].

28. As per claim 18, Groath-Perholtz disclose activating a service mode upon completion of the verifying step, wherein the first event occurs at a first location and wherein the service mode causes a pre-selected set of subsequent events occurring at

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the first location to be ignored as inherent feature of database design [Groath, analyze and display the data as reports, col 35 lines 35-40].

29. As per claim 19, Groath-Perholtz disclose activating a service mode upon completion of the verifying step, wherein the first event occurs at a first location and wherein the service mode causes a pre-selected set of pending events occurring at the first location to be ignored as inherent feature of database design [Groath, analyze and display the data as reports, col 35 lines 35-40].

30. As per claim 20, Groath-Perholtz disclose instructing the first individual to follow a procedure to indicate acceptance of responsibility for the first event [Perholtz, Workstation Failure alert, Total Power failure alert, Smoke/Loud Sound alerts, col 37 lines 27-47; the persons schedule to be notified of the alert, col 51 lines 36-57].

31. As per claim 22, Groath-Perholtz disclose depressing a pre-seleded button on a telephone handset [Perholtz, touch tone telephone, col 4 lines 55-58].

32. As per claim 22, Groath-Perholtz disclose transmitting a description of the first event to the first individual [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].

33. As per claim 23, Groath-Perholtz disclose the transmitting at least one instruction to the first individual as to how the first individual is to respond to the first event [Groath, utilizes FTP to run other scripts, col 15 lines 60-67].

34. As per claim 24, Groath-Perholtz disclose a plurality of events occurs at a location and wherein if the first individual responds to the first event then the first individual accepts responsibility for each of the events of the plurality of events [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].

35. As per claim 25, Groath-Perholtz disclose allowing the first individual to selectively accept responsibility for each of the events of the plurality of events [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].

36. As per claim 26, Groath-Perholtz disclose receiving acceptance for the secondary event when the first individual indicates acceptance for the first event [Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Rupal Dharia*, can be reached at (571) 272-3880. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Thong Vu***  
***Patent Examiner***  
***Art Unit 2142***

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath the name.